IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CRIMINAL JURISDICTION

CRIMINAL WRIT PETITION NO.3071 OF 2005

CRIMINAL WRIT PETITION NO.3072 OF 2005

CRIMINAL WRIT PETITION NO.3073 OF 2005

CRIMINAL WRIT PETITION NO.3074 OF 2005

Ajay Nikam .... Petitioner

vs

State of Maharashtra & ors.. Respondents

Mr.Mihir Desai,Advocate for Petitioner

Mr.B.D.Bahal for Respondent No.7

Mr.G.S.Baj for Respondent nos. 4 & 5.

Mr.Sandesh More, Advocate for Respondent No. 3

Mr.D.S.Mhaispurkar,A.P.P. for State.(3071/05)

Mr.Mihir Desai for Petitioner

Mr.S.R.Borulkar PP for State

Mr.J.H.Pol for Respt no.5

Mr.Sandesh More for Respt no.3 (3072/05)

Mr.Navin Chomal for Respt no.1

Mr.Mihir Desai for Petitioner

Mr.S.R.Borulkar, PP for State

Mr.J.H.Pol for Respt nos. 4 & 5.

Mr.Sandesh More for Respt no.3

Mr.Navin Chomal for Respt no.1 (3073[05)

Mr.Mihir Desai for Petitioner

Mr.S.R.Borulkar, PP for State

Mr.J.H.Pol for Respt no. 6 & 7.

Mr,.Sandesh More for Respt no.3 (3074/050

CORAM : J.N.PATEL AND

SMT.ROSHAN DALVI, JJ

DATED : 4th October, 2006

COMMON ORDER

P.C.

1. The petitioners have approached this Court seeking a Writ of Habeaus Corpus.

2. This Court has examined the matter at length and heard learned counsel for the parties.

3. This Court in its anxiety to assess the truth of the matter even appointed a Commissioner, a Police Officer who has submitted his report in which in his opinion, the ladies in question are under the shadow of fear of their parents and are not willing to state the correct facts.

4. One thing is clear that none of the respondents against whom there are allegations by the petitioners has come with a case that she is wrongfully confined or restrained. There are litigations going on between the parties in the Family Court, Mumbai and in Criminal Courts relating to the subject matter of the case.

5. Our jurisdiction in a Writ of Habeaus Corpus is very limited in view of the fact that as the petitioner's allegations that the respondents whom they claim to be their wives have been abducted and wrongfully detained is not substantiated by the

victims themselves. This Court is not in a position to issue any Writ of the said nature and force upon the respondents to reside with the petitioners for which they have already taken recourse to an alternative remedy by filing matrimonial disputes seeking restitution of conjugal rites. Therefore, we are not inclined to entertain these petitions and dismiss them with liberty to the petitioners to seek an alternative remedy which they have already sought and other remedy available to them under the law.

6. With these observations, the petitions stands dismissed.

(Smt R.S.Dalvi, J) **(J.N.Patel,J)**